

BK0906776
(DE)
This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

UNITED
COURT
IT IS SO ORDERED. SOUT

IN RE:

Troy L. Evans
Sharon L. Evans

Dated: March 10, 2010

Debtors



COURT

C. Kathryn Preston
United States Bankruptcy Judge

reston

**AGREED ORDER ON AMENDED MOTION
TO SELL REAL ESTATE OF U.S.
BANK HOME MORTGAGE (PROPERTY
ADDRESS: 474 FABER STREET,
PICKERINGTON, OHIO 43147)**

This matter having come on before the Court upon the Amended Motion to Sell Real Estate filed herein on December 23, 2009 as document #64 by the Debtors and upon secured creditor, U.S. Bank Home Mortgage's (hereinafter "Creditor") response thereto filed herein on December 23, 2009 as document #65; and a hearing have been scheduled for February 18, 2010; and it appearing to the Court that the parties have agreed to a course of action which will resolve this matter conditioned upon certain provisions incorporated herein for the protection of Creditor; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of fact and issues the following Order with respect thereto:

1. The Debtors are permitted to proceed with the sale of the subject property located at 474 Faber Street, Pickerington, Ohio 43147

in accordance with the terms and conditions attached hereto as Exhibit
"A".

IT IS SO ORDERED.

/s/Erin A. Jochim
Erin A. Jochim
Erin A. Jochim, Case Attorney
Ohio Supreme Court No. 0077062
Amy D. Hathaway, Esq.
Bar Registration #0075169
LERNER, SAMPSON & ROTHFUSS
Attorneys for Movant
P.O. Box 5480
Cincinnati, Ohio 45201-5480
(513) 241-3100 ext. 3920
(513) 354-6464 Fax

/s/ Erin E. Schrader
Erin E. Schrader, Attorney for Debtors
Ohio Supreme Court No. 0078078
Troy I. Evans and Sharon L. Evans, Debtors
Rauser & Associates
5 E. Long Street, Suite 300
Columbus, Ohio 43215
(614) 228-4480
AUTHORIZATION RECEIVED VIA FAXED SIGNATURE

COPIES TO:

DEFAULT LIST

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January 28, 2010

Joe Mosher
FAX: 614-548-0559

Re: Sharon L. Evans

474 Faber Street
Pickerington, OH 43147

US Bank Loan # 9902161349

To Whom It May Concern:

This letter will serve as our final approval and demand statement to accept a short payoff on the property listed above. This property is being sold "As Is". Approval is subject to the following terms and the closing costs are limited to the following amounts:

Sales Price.....	\$155,000.00
Commission.....	\$9,300.00
Closing Costs.....	\$9,553.64
Sellers Consideration.....	\$1,000.00
 Net Proceeds to US Bank Home Mortgage (to Equal or Exceed)	 \$135,146.36

Please advise the seller that as a condition to approval, the seller's rights to any escrowed funds and any refunds from pre-paid expenses are waived. The seller will not receive any funds from the proceeds of the sale. Receipt of these funds shall suffice for release of the mortgage and deed of trust.

Notify me in advance if there are any variations in the net proceeds or if you learn the transaction is not going to close by 1/29/2010. This letter will serve as our presence at the closing, since we will not have an attorney present.

Overnight the payoff check along with the signed, certified true copy of the HUD-1 Settlement Statement signed by both buyers and sellers (per investor requirement regardless of state requirements), the completed Closing Worksheet and Borrower's Incentive Compensation Release Form and RECORDED Power of Attorney if applicable (must be recorded per investor requirements regardless of state requirements) to:

Christine Malek
Loss Mitigation Department
17500 Rockside Road
Bedford, OH 44146.



As a condition to this approval both seller and buyer signatures are required on the final HUD-1 Settlement Statement. If the payoff check is not accompanied by the Original signed HUD-1 Settlement Statement or a stamped CERTIFIED TRUE COPY of the original and the title report, the payoff check will be returned. We at anytime reserve the right to rescind our approval of the Pre-Foreclosure Sale if any fraudulent activity is suspected or information received indicates that the mortgager no longer qualifies for this program.

A release of the mortgage will be processed upon receipt of the payoff funds if no further information is needed.

If you have any questions or require further information please call me at 1-216-475-7671.

Sincerely,

Christine Malek
Loss Mitigation Processor
Bedford Office

cc: Loss Mitigation File

* Example *

Closing Worksheet
Pre-foreclosure Sale Program

U. S. Department of Housing
and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0464
(exp. 07/31/2009)

Public reporting burden for this collection of information is estimated to average 58 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 204 of the National Housing Act authorizes the Secretary to pay an insurance claim that bridges the gap between the fair market value proceeds from the HUD-approved third party sale of a property. The respondent's maybe lenders (mortgagee's), counselors and homeowners who are attempting to sell their properties prior to foreclosure. The Privacy Act of 1974 pledges assurances of confidentiality to respondents. HUD generally discloses this data only in response to a Freedom of Information request.

Mortgagee Contact Person:	Phone Number:	Account/Control Number:	FHA Case Number:
Homeowner Name(s):		Property Address:	
Homeowner Name(s):			

Mortgagee (or HUD) Approval of the Sales Contract is a Pre-Condition of the Sale

Name of Purchaser	Address	Phone Number
Name of Purchaser	Address	Phone Number
Type of Financing (mark one) <input type="checkbox"/> FHA <input type="checkbox"/> VA <input type="checkbox"/> Conventional <input type="checkbox"/> Other	Date Contract Approved	Selling Price \$
		Sales Commission %
Payable from Sale Proceeds		Deduct all payments from Proceeds from selling price. New proceeds to Mortgagee: <div style="border: 1px solid black; width: 150px; height: 20px; margin-top: 5px;"></div>
Sales Commission	\$	
(Local & State transfer taxes/stamps, etc.)	\$	
(Lien discharge (must not exceed \$1,000) (insert item)	\$	
(insert item)	\$	
Consideration to seller (Basic amount=\$750. Addition amount (normally \$250) is paid if closing occurs within 90 days of start of participation in Pre-foreclosure sale Procedure)	\$	
Total Amount Payable from Sales Proceeds (Add column of items)	\$	
Total amount paid to seller	\$	
* Seller's Initials & Date *		**By signing, the Agent/Broker certifies that there are no hidden terms or special understanding with the buyer, seller, appraiser, closing agent or mortgagee.
<i>CM</i> 9/9/09		
* Sale's Agent/Broker's Signature & Date *		
<i>Christi Male</i> 9/9/09		
Mortgagee's Authorizing Official's Signature & Date		* Closing Agent's Signature & Date *
Not for Seller Signature <i>LEAVE BLANK</i>		<i>Christi Male</i> 9/9/09

(Attach copy of Settlement Statement)

Closing Worksheet
Pre-foreclosure Sale Program

**U. S. Department of Housing
and Urban Development**
Office of Housing
Federal Housing Commissioner

OMB Approval No.2502-0464
(exp. 07/31/2009)

Public reporting burden for this collection of information is estimated to average 58 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 204 of the National Housing Act authorizes the Secretary to pay an insurance claim that bridges the gap between the fair market value proceeds from the HUD-approved third party sale of a property. The respondent's mortgage lenders (mortgagee's), counselors and homeowners who are attempting to sell their properties prior to foreclosure. The Privacy Act of 1974 pledges assurances of confidentiality to respondents. HUD generally discloses this data only in response to a Freedom of Information request.

Mortgagee Contact Person: Christine Malek	Phone Number: 216-475-7671	Account/Control Number: 9902153941	FHA Case Number: 412-5351654-703
Homeowner Name(s): Tammy L. Cobaugh		Property Address: 4216 Lake Vista Road Akron, OH 44319	
Homeowner Name(s):			

Mortgagee (or HUD) Approval of the Sales Contract is a Pre-Condition of the Sale

Name of Purchaser Ross Blankenship	Address	Phone Number
Name of Purchaser Sharon Blakenship	Address	Phone Number
Type of Financing (mark one) <input type="checkbox"/> FHA <input type="checkbox"/> VA <input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Other	Date Contract Approved 01/28/2010	Selling Price \$ 39,500
		Sales Commission 6.000 %
Payable from Sale Proceeds		
Sales Commission	\$ 9,300.00	
(Local & State transfer taxes/stamps, etc.)	\$ 9,553.64	
(Lien discharge (must not exceed \$1,000) (insert item)	\$	
(insert item)	\$	
(insert item)	\$	
Consideration to seller (Basic amount=\$750. Addition amount (normally \$250) is paid if closing occurs within 90 days of start of participation in Pre- foreclosure sale Procedure)	\$ 1,000.00	
Total Amount Payable from Sales Proceeds (Add column of items)	\$19,853.64	Deduct all payments from Proceeds from selling price. New proceeds to Mortgagee: \$ 135,146.36
Total amount paid to seller \$0.00	Seller's Initials & Date	*(By initialing, seller acknowledges receipt of amount specified).
Sale's Agent/Broker's Signature & Date**		**By signing, the Agent/Broker certifies that there are no hidden terms or special understanding with the buyer, seller, appraiser, closing agent or mortgagee.
Mortgagee's Authorizing Official's Signature & Date		Closing Agent's Signature & Date
X		X

(Attach copy of Settlement Statement)



Home Mortgage
17500 Rockside Road
Bedford, OH 44146

January 28, 2010

Borrower's Incentive Compensation Release Form

Sharon L. Evans

474 Faber Street
Pickerington, OH 43147

US Bank Loan Number: 9902161349

By signing below, I agree to use \$1,000.00 of my Pre-Foreclosure Sales Incentive Compensation from HUD towards the \$66.68 towards HOA dues, \$130.89 towards delinquent Water/Sewer bill, \$89.90 towards current Water/Sewer bill and \$712.53 towards Seller Concessions.

Borrower

Date

Co-Borrower

Date

Attach letter from Lender stating they agree to accept the above amount for satisfaction of the loan.

A. Settlement Statement		B. Type of Loan	
Talon Title Agency of Central Ohio, Inc. Final Statement		1-5. Loan Type FHA	
		6. File Number 1608095-NE	
		7. Loan Number 0030051629	
		8. Mortgage Insurance Case Number 413-5364452-703	
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "POC" were paid outside this closing; they are shown here for informational purposes and are not included in the totals.			
D. Name of Borrower: Emily M. Pazaropoulos 474 Faber Street, Pickerington, OH 43147			
E. Name of Seller: Sharon Lynn Evans			
F. Name of Lender: KeyBank National Association 127 Public Square Cleveland, OH 44114			
G. Property Location: 474 Faber Street, Pickerington, OH 43147			
H. Settlement Agent: Talon Title Agency of Central Ohio, Inc. Address: 1730 Hill Road North, Pickerington, OH 43147 Place of Settlement Address: 1730 Hill Road North, Pickerington, OH 43147 Amy Black		I. Settlement Date: 01/29/2010 Print Date: 01/28/2010, 4:00 PM Disbursement Date: 01/29/2010 Signing Date:	
J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract Sales Price	155,000.00	401. Contract Sales Price	155,000.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1400)	2,809.62	403. Total Deposits	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
113.		413.	
114.		414.	
115.		415.	
120. Gross Amount Due From Borrower	157,809.62	420. Gross Amount Due To Seller	155,000.00
200. Amounts Paid By Or In Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)	152,192.00	502. Settlement charges (line 1400)	15,840.95
203. Existing loan(s) taken subject		503. Existing loan(s) taken subject	
204.		504. Payoff of first mortgage loan - US Bank N.A.	135,146.36
205.		505. Payoff of second mortgage loan	
206.		506. 1st half 2000 tax to Fairfield County Treasurer	1,842.73
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes 07/01/09 to 01/29/10 @ \$3685.46/yr	2,150.69	511. County taxes 07/01/09 to 01/29/10 @ \$3685.46/yr	2,150.69
212. Assessments		512. Assessments	
213. 22 days 2010 HOA Dues	19.27	513. 22 days 2010 HOA Dues	19.27
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower	154,361.96	520. Total Reduction Amount Due Seller	155,000.00
300. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
301. Gross amount due from Borrower (line 120)	157,809.62	601. Gross amount due to Seller (line 420)	155,000.00
302. Less amounts paid by/for Borrower (line 220)	154,361.96	602. Less reductions in amounts due to Seller (line 520)	155,000.00
303. Cash (X From) (To) Borrower	3,447.66	603. Cash (To) (From) Seller	
The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.			
Settlement Agent:		Date:	

* See Supplemental Page for details.

L. Settlement Charges		
700. Total Sales/Broker's Commission based on price \$153,600.00 @ 6.0000% = \$9,300.00		
Division of Commission (line 700) as follows		
701. \$4,650.00 to Prudential American Realty Center		
702. \$4,650.00 to Coldwell Banker King Thompson		
703. Commission paid at Settlement		9,300.00
704.		
800. Items Payable in Connection with Loan		
801. Loan Origination Fee		
802. Loan Discount		
803. Appraisal Fee - Secolink Information Sys LLC	POC-B \$375.00	100.00
804. Credit Report - First American Credit	POC-B \$12.50	50.00
805. Lender's Inspection Fee		
806. Mortgage Insurance Application Premium		
807. Assumption Fee		
808. Tax Service - KeyBank National Association	POC-L \$84.00	
809. Escrow Holdback - KeyBank National Association		185.06
810. Flood Certification Fee - Secolink Information		13.50
811. Application Fee - KeyBank National Association		300.00
812. Courier Fee - KeyBank National Association		25.00
813. Mers Fee - MERS	7.00	
814. Processing Fee - KeyBank National Association		350.00
Supplemental Summary		
900. Items Required by Lender to be Paid In Advance		
901. Interest 01/22/10 to 02/01/10 @ \$21.369400/day - KeyBank National Association		213.69
902. Mortgage Insurance Premium for #7 Months/Years - KeyBank National Association	2,617.56	
903. Hazard Insurance Premium for 1 year(s) to State Farm Ins.	POC \$492.00	
904.		
905.		
Supplemental Summary		
1000. Reserves Deposited with Lender		
1001. Hazard Insurance 3 mo(s) @ \$41.00/mo		123.00
1002. Mortgage Insurance		
1003. City Property Taxes		
1004. County Property Taxes 3 mo(s) @ \$307.12/mo	245.99	675.37
1005. Annual assessments		
1006.		
1007.		
1008. Aggregate Accounting Adjustment	-245.99	
1100. Title Charges		
1101. Settlement or closing fee - Talon Title Agency of Central Ohio, Inc.		490.00
1102. Abstract or title search - Talon Title Agency of Central Ohio, Inc.		175.00
1103. Title examination		
1104. Title Insurance Binder - Talon Title Agency of Central Ohio, Inc.		100.00
1105. Document Fee		
1106. Notary Fee		
1107. Attorney Fee		
(includes above item numbers:)		
1108. Title Insurance - See supplemental page for breakdown of individual fees and payees		1,117.75
(includes above item numbers:)		
1109. Lender's coverage \$152,162.00 Premium: \$100.00		
1110. Owner's coverage \$153,600.00 Premium: \$1,017.75		
1111. OH END Survey Coverage OWNERS - Talon Title Agency of Central Ohio, Inc.		100.00
1112. Talon AGT - Recording Service Fee - Talon Title Agency of Central Ohio, Inc.		20.00
1113. OH END 8.1 EPA - Talon Title Agency of Central Ohio, Inc.		50.00
1114. OH END Comp - Talon Title Agency of Central Ohio, Inc.		150.00
1115.		
1116.		
1117.		
1200. Government Recording and Transfer Charges		
1201. Recording fees: Deed \$38.00 Mortgage \$108.00 Release \$0.00		144.00
1202. City/County tax/stamps: Deed \$620.50 Mortgage \$0.00		620.50
1203. State tax/stamps		
1204.		
1205.		
1206.		
1300. Additional Settlement Charges		
1301. Survey to Pomeroy & Associates, Ltd.		150.00
1302. Past inspection to		
1303. Transfer Fee to OMNI Ohio/Kentucky Division		75.00
1304. Association Dues to Villages of Sycamore Creek HOA		1,047.41
1305. Lender Closing Protection Coverage to First American Title Insurance Co		35.00
1306. Water/Sewer Bill - delinquent to City of Pickerington		130.89
1307. Water/Sewer Bill - Current to City of Pickerington		89.90
1308. Talon AGT - Delivery/Email/Service Charge - Talon Title Agency of Central Ohio, Inc.		80.00
1309.		
1310.		
1311.		
1312.		
1313.		
1314.		
Supplemental Summary		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	2,809.62	15,840.85

* See Supplemental Page for details.

Supplemental Page HUD-1 Settlement Statement	File No. 1888085-NE
Talon Title Agency of Central Ohio, Inc. Final Statement	Loan No. 0030053629
	Settlement Date: 01/28/2010
Borrower Name & Address: Emily Al. Pazaropoulos 474 Faber Street, Pickerington, OH 43147	
Seller Name & Address: Sharon Lynn Evans	

Section L. Settlement Charges continued	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
1108. Supplemental Summary	1,117.75	
a. ALTA Second Generation Eagle Owner Policy - Talon Title Agency of Central Ohio, Inc.		1,017.75
b. ALTA 2006 Short Form Res Loan Policy - Talon Title Agency of Central Ohio, Inc.		100.00
1201. Supplemental Summary	144.00	
a. Record Grant Deed - Talon Title Agency of Central Ohio, Inc.		36.00
b. Record Mortgage - Talon Title Agency of Central Ohio, Inc.		108.00
1202. Supplemental Summary	620.50	
a. City Documentary Transfer Tax - Talon Title Agency of Central Ohio, Inc.		620.50

The following Section is restated from the Settlement Statement Page 1			
300. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
301. Gross amount due from Borrower (line 120)	157,809.62	601. Gross Amount due to Seller (line 420)	155,000.00
302. Less amounts paid by/for Borrower (line 220)	154,361.06	601. Less reductions in amounts due to Seller (line 520)	155,000.00
303. Cash (X From) (To) Borrower	3,447.66	603. Cash (To) (From) Seller	

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and distributions made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BREAKDOWN OF BORROWERS CLOSING COSTS PAID BY SELLER AT CLOSING

Description	
LENDER CHARGES (SECTION 801-812)	
Loan Origination Fee	
Loan Discount	
Appraisal Fee	\$100.00
Credit Report	\$50.00
Tax Service Fee	
Application Fee	
Underwriting Fee	
Escrow Holdback	\$264.52
Flood Certification	\$13.50
Application Fee	\$300.00
Courier Fee	\$25.00
Processing Fee	\$350.00
PREPAID ITEMS (SECTION 901-905)	
Interest	\$64.11
Hazard Insurance Premium	
MONTHLY ESCROWS (SECTION 1001-1008)	
Hazard Insurance Escrow	\$123.00
Mortgage Insurance Escrow	
County Property Tax Escrow	\$675.37
TITLE CHARGES (SECTION 1101-1113)	
Settlement or Closing Fee	\$195.00
Title Insurance Binder	\$50.00
Title Insurance	\$100.00
Recording Service Fee	\$20.00
EPA Endorsement	\$50.00
Survey Endorsement	\$100.00
Delivery Fee	\$40.00
Comp Endorsement	\$150.00
RECORDING FEES (SECTION 1201-1205)	\$144.00
Recording Fees	
Recording of Assignment	
Parcel Transfer	\$0.50
ADDITIONAL CHARGES (SECTION 1301-1307)	
Survey	\$150.00
Pest Inspection	
Gas Line Warranty	
GARP Fee	
Lender Closing Protection Coverage	\$35.00
Lender Closing Protection Coverage	
TOTAL COSTS PAID BY SELLER	\$3,000.00